

REMARKS

Claims 1, 4-19, 21 and 22 remain pending in this application. Claims 1, 4, 7, 21 and 22 are rejected. Claims 2-3 and 20 are previously cancelled. Claims 5, 6 and 8-19 are withdrawn from consideration. Claims 1 and 7 are amended herein to clarify the invention and to address matters of form unrelated to substantive patentability issues.

Before addressing the substantive rejections of record, applicant brings to the Examiner's attention an apparent error in the Office Action, wherein the Disposition of Claims in the Office Action Summary does not accurately reflect the status of the pending claims. In this regard, while it is indicated in the Office Action that claims 9-18 are no longer pending in the application, applicant believes that these claims are merely withdrawn, but still remain pending. Notice to that effect is earnestly solicited.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims and objection cited in the above-referenced Office Action.

Claims 1, 4 and 7 are rejected as as obvious over Karlyn et al. (US 5,867,882) under 35 U.S.C. §103(a). Applicant herein respectfully traverses these rejections. It is respectfully submitted that the cited reference is deficient with regard to the arrangement of dot angles at the claimed specific relative angular placement which provides clear advantage over the arrangement taught by the art of record, and which

claimed feature cannot, therefore, be simply dismissed merely as a matter of arbitrary design choice.

In accordance with the subject matter of claim 1 (and by analogy claim 7), a dot angle (angle at which the dots of the dot screen separations for each printing color are set up respectively at 6 to 8 degrees for yellow (Y), at 21 to 23 degrees for magenta (M), at 51 to 53 degrees for black (K), and at 79 to 81 degrees for cyan (C).

It is respectfully submitted that the Karlyn et al. reference cannot render the rejected claims obvious because the reference does not provide this teaching, and offers the skilled artisan no direction or motivation to vary its disclosure in any manner outside of its teachings to arrive at the presently claimed invention. Thus, the reference fails to teach or suggest all the claim limitations, as properly required for establishing a *prima facie* case of obviousness.

Applicant respectfully submits that the Examiner's statement in the Response to Arguments section of the Office Action that "it is the difference between the color dot angles that are important and not the absolute angle with respect to an arbitrarily set up coordinate system" is no longer germane, given the now recited interrelationship between the dot angle and the orientation of the screen frame with respect thereto when being formed, and which ultimately is related to the article being printed. As such, not only are the interrelationships of the color dot angles themselves important, but also the angles with respect to orientation of the frame of the screen plate used to print articles clearly establish that the coordinate system

claimed are anything but arbitrary. As applicant has noted previously, “at least in the case of printing on fabrics arranged with thread weaves running in directions of 0 degrees and 90 degrees (vertical and horizontal), [such orientation] avoids alignment of dot rows or columns with the weave direction.” In this regard, the Examiner’s further statement that since “applicant does not recite any language regarding fabrics or thread weaves in the claims, . . . this point is not considered to be relevant at this time” improperly requires applicant to introduce an unnecessary limitation in the claims, since the argument is being offered simply to underscore the advantages of the invention as claimed in comparison to the cited prior art, as compelling evidence of nonobviousness, rather than being intended as a narrowing of the claim, the subject matter of which could be used for non-textile applications.

The Examiner’s conclusion that the claimed invention differs by only 6 degrees from the disclosed relationship of the Karlyn et al. reference is based solely upon comparison with the applicant’s disclosure. Applicant submits that the flaw in the Examiner’s argument is a failure to acknowledge that, faced with a myriad of possible angular relationships, one of ordinary skill in the art, without the benefit of the instant application, would have no starting point or guideline upon which to base the alleged experimentation, since no goal would be envisioned. In this regard, applicant respectfully submits that the Examiner is improperly using the applicant’s disclosure as a blueprint upon which to base hypothetical experimentation by one of ordinary skill in the art, which experimentation would necessarily have had to occur

before the invention by the applicant, in order to render the claims obvious. This, coupled with the advantages, noted above, which are achieved by the claimed angular positioning, establish that, while the angular interrelationship of the colors may be only slightly different than those of Karlyn et al., the claimed invention provides clear advantage over the cited reference disclosure, at least in this regard, and therefore, the claimed feature cannot be dismissed as being merely an insignificant variant. Nonobviousness may be clearly shown where an inventor seeks to remedy a known problem, and does so by discovering a heretofore unknown source of the problem and finds a solution based upon the discovery of the problem source. *Eibel Process Co. v. Minnesota and Ontario Paper Co.*, 261 U.S. 45 (1923).

Therefore, based upon the foregoing, claims 1, 4 and 7 are believed patentable over the cited Karlyn et al. reference, and their allowance is respectfully requested.

Claims 21 and 22 are rejected as as obvious over Karlyn et al. In view of Rhein (US 6,505,554) under 35 U.S.C. §103(a). It is respectfully submitted that the secondary Rhein reference does not provide the teaching noted above with respect to the obviousness rejection that is absent from the primary Karlyn et al. reference. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 21 and 22 and their allowance are respectfully requested.

Docket No. F-7882



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Applicant respectfully requests two (2) month extension of time for responding to the Office Action. Please charge the fee of \$230 for the extension of time to Deposit Account No. 10-1250.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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